

HOUSE BILL No. 2009

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 4-22-2-37.1; IC 4-30-17-3.5; IC 4-31-11-11; IC 4-33; IC 5-2-5-1; IC 5-14-1.5-2; IC 5-14-3-2; IC 6-1.1-1-15; IC 6-2.1-3-35; IC 6-3.1-17; IC 6-8.1-1-1; IC 6-9-2.5-2; IC 7.1-3-17.5; IC 7.1-3-21-6; IC 7.1-4-7-4; IC 8-18-8-5; IC 12-13-14-4.5; IC 12-17-2-34; IC 12-17-2-36; IC 12-23-2; IC 31-14-12-6; IC 31-16-12-9; IC 35-45-5-10; IC 36-1-8-9.

Synopsis: Abolition of riverboat gambling. Abolishes riverboat gambling effective July 1, 2002. Makes conforming amendments.

Effective: July 1, 2002.

Turner

January 27, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 2009

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) No individual may be
3 compelled by any state agency, board, commission, department,
4 bureau, or other entity of state government (referred to as "state
5 agency" in this chapter) to provide the individual's Social Security
6 number to the state agency against the individual's will, absent federal
7 requirements to the contrary. However, the provisions of this chapter
8 do not apply to the following:
9 (1) Department of state revenue.
10 (2) Department of workforce development.
11 (3) The programs administered by:
12 (A) the division of family and children;
13 (B) the division of mental health;
14 (C) the division of disability, aging, and rehabilitative services;
15 and
16 (D) the office of Medicaid policy and planning;
17 of the office of the secretary of family and social services.

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IN 2009—LS 6698/DI 92+



(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Health professions bureau.

(11) Indiana professional licensing agency.

(12) Indiana department of insurance, with respect to licensing of insurance agents.

(13) A pension fund administered by the board of trustees of the public employees' retirement fund.

(14) The Indiana state teachers' retirement fund.

(15) The state police benefit system.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

~~(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:~~

~~(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.~~

~~(2) That a sole proprietorship, a partnership, an association, a~~



1 ~~fiduciary, a corporation, a limited liability company, or any other~~
 2 ~~business entity include its federal tax identification number on an~~
 3 ~~application for a riverboat owner's license or supplier's license.~~

4 SECTION 2. IC 4-22-2-37.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 37.1. (a) This section
 6 applies to a rulemaking action resulting in any of the following rules:

7 (1) An order adopted by the commissioner of the Indiana
 8 department of transportation under IC 9-20-1-3(d) or
 9 IC 9-21-4-7(a) and designated by the commissioner as an
 10 emergency rule.

11 (2) An action taken by the director of the department of natural
 12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.

13 (3) An emergency temporary standard adopted by the
 14 occupational safety standards commission under
 15 IC 22-8-1.1-16.1.

16 (4) An emergency rule adopted by the solid waste management
 17 board under IC 13-22-2-3 and classifying a waste as hazardous.

18 (5) A rule, other than a rule described in subdivision (6), adopted
 19 by the department of financial institutions under IC 24-4.5-6-107
 20 and declared necessary to meet an emergency.

21 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
 22 department of financial institutions and declared necessary to
 23 meet an emergency under IC 24-4.5-6-107.

24 (7) A rule adopted by the Indiana utility regulatory commission to
 25 address an emergency under IC 8-1-2-113.

26 (8) An emergency rule jointly adopted by the water pollution
 27 control board and the budget agency under IC 13-18-13-18.

28 (9) An emergency rule adopted by the state lottery commission
 29 under IC 4-30-3-9.

30 (10) A rule adopted under IC 16-19-3-5 that the executive board
 31 of the state department of health declares is necessary to meet an
 32 emergency.

33 (11) An emergency rule adopted by the Indiana transportation
 34 finance authority under IC 8-21-12.

35 (12) An emergency rule adopted by the insurance commissioner
 36 under IC 27-1-23-7.

37 (13) An emergency rule adopted by the Indiana horse racing
 38 commission under IC 4-31-3-9.

39 (14) An emergency rule adopted by the air pollution control
 40 board, the solid waste management board, or the water pollution
 41 control board under IC 13-15-4-10(4) or to comply with a
 42 deadline required by federal law, provided:

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(A) the variance procedures are included in the rules; and
 (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(17) ~~An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.~~

~~(18)~~ (18) An emergency rule adopted by the alcoholic beverage commission under ~~IC 7.1-3-17.5~~, IC 7.1-3-17.7 or IC 7.1-3-20-24.4.

~~(19)~~ (18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

~~(20)~~ (19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under



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subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

SECTION 3. IC 4-30-17-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3.5. (a) Two (2) segregated accounts shall be established within the build Indiana fund as follows:

(1) The state and local capital projects account.

(2) The lottery and gaming surplus account.

(b) Upon receiving surplus lottery revenue distributions from the state lottery commission, ~~and surplus gaming revenue distributions from the state gaming commission~~, the treasurer of state shall credit the surplus lottery revenue ~~and surplus gaming revenue~~ to the lottery and gaming surplus account. All money remaining in the lottery and gaming surplus account after the transfer required by subsection (c) shall be transferred to the state and local capital projects account.

(c) Before the twenty-fifth day of the month, the auditor of state shall transfer from the lottery and gaming surplus account to the state general fund motor vehicle excise tax replacement account an amount equal to the following:

(1) In calendar year 1996, eleven million six hundred twenty-five



thousand dollars (\$11,625,000) per month.

(2) In calendar year 1997, twelve million nine hundred twenty-five thousand twenty dollars (\$12,925,020) per month.

(3) In calendar year 1998, fifteen million ten thousand dollars (\$15,010,000) per month.

(4) In calendar year 1999, seventeen million one hundred ninety-two thousand dollars (\$17,192,000) per month.

(5) In calendar year 2000 nineteen million four hundred thirty-five thousand two hundred ten dollars (\$19,435,210) per month.

(6) In calendar year 2001 and each year thereafter, nineteen million six hundred eighty-four thousand three hundred seventy dollars (\$19,684,370) per month.

(d) This subsection applies only if insufficient money is available in the lottery and gaming surplus account of the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under subsection (c). Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the difference between:

(1) the amount that subsection (c) requires the auditor of state to distribute from the lottery and gaming surplus account of the build Indiana fund to the state general fund motor vehicle excise tax replacement account; and

(2) the amount that is available for distribution from the lottery and gaming surplus account in the build Indiana fund to the state general fund motor vehicle excise tax replacement account.

The transfers required under this subsection are annually appropriated from the state general fund.

SECTION 4. IC 4-31-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. Each development fund consists of:

(1) breakage and outs paid into the fund under IC 4-31-9-10;

(2) appropriations by the general assembly;

(3) gifts;

(4) stakes payments; **and**

(5) entry fees. ~~and~~

~~(6) money paid into the fund under IC 4-33-12-6.~~

SECTION 5. IC 5-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Limited criminal history" means information with respect to



any arrest, indictment, information, or other formal criminal charge, which must include a disposition. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history even if no disposition has been entered.

(2) "Council" means the security and privacy council created under section 11 of this chapter.

(3) "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding an offender (as defined in IC 5-2-12-4) obtained through sex offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, ~~the licensing and regulating of riverboat gambling operations~~, or the licensing and regulating of pari-mutuel horse racing operations. The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

~~(C) licensing and regulating of riverboat gambling operations;~~
or

~~(D)~~ (C) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

(5) "Department" means the state police department.

(6) "Disposition" means information disclosing that criminal

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proceedings have been concluded or indefinitely postponed.

(7) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

(8) "Institute" means the Indiana criminal justice institute established under IC 5-2-6.

(9) "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders.

(10) "Protective order" has the meaning set forth in IC 5-2-9-2.1.

(11) "Release" means the furnishing of a copy, or an edited copy, of criminal history data.

(12) "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.

(13) "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

(14) "Unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.

SECTION 6. IC 5-14-1.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. For the purposes of this chapter:

(a) "Public agency" means the following:

(1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.

(2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

(3) Any entity which is subject to either:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts.

(4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.

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(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

~~(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.~~

~~(7) (6) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.~~

(b) "Governing body" means two (2) or more individuals who are:

(1) a public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business;

(2) the board, commission, council, or other body of a public agency which takes official action upon public business; or

(3) any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents appointed by a school corporation to conduct collective bargaining on behalf of that school corporation does not constitute a governing body for purposes of this chapter.

(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include:

(1) any social or chance gathering not intended to avoid this chapter;

(2) any on-site inspection of any project or program;

(3) traveling to and attending meetings of organizations devoted to betterment of government; or

(4) a caucus.

(d) "Official action" means to:

(1) receive information;

(2) deliberate;

(3) make recommendations;

(4) establish policy;

(5) make decisions; or

(6) take final action.

(e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.

(f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons



necessary to carry out its purpose.

(g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.

(h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.

(i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).

(j) "News media" means all newspapers qualified to receive legal advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.

(k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

SECTION 7. IC 5-14-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

"Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

"Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

"Facsimile machine" means a machine that electronically transmits

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1 exact images through connection with a telephone network.

2 "Inspect" includes the right to do the following:

3 (1) Manually transcribe and make notes, abstracts, or memoranda.

4 (2) In the case of tape recordings or other aural public records, to
5 listen and manually transcribe or duplicate, or make notes,
6 abstracts, or other memoranda from them.

7 (3) In the case of public records available:

8 (A) by enhanced access under section 3.5 of this chapter; or

9 (B) to a governmental entity under section 3(c)(2) of this
10 chapter;

11 to examine and copy the public records by use of an electronic
12 device.

13 (4) In the case of electronically stored data, to manually transcribe
14 and make notes, abstracts, or memoranda or to duplicate the data
15 onto a disk, tape, drum, or any other medium of electronic
16 storage.

17 "Investigatory record" means information compiled in the course of
18 the investigation of a crime.

19 "Patient" has the meaning set out in IC 16-18-2-272(c).

20 "Person" means an individual, a corporation, a limited liability
21 company, a partnership, an unincorporated association, or a
22 governmental entity.

23 "Provider" has the meaning set out in IC 16-18-2-295(b) and
24 includes employees of the state department of health or local boards of
25 health who create patient records at the request of another provider or
26 who are social workers and create records concerning the family
27 background of children who may need assistance.

28 "Public agency" means the following:

29 (1) Any board, commission, department, division, bureau,
30 committee, agency, office, instrumentality, or authority, by
31 whatever name designated, exercising any part of the executive,
32 administrative, judicial, or legislative power of the state.

33 (2) Any:

34 (A) county, township, school corporation, city, or town, or any
35 board, commission, department, division, bureau, committee,
36 office, instrumentality, or authority of any county, township,
37 school corporation, city, or town;

38 (B) political subdivision (as defined by IC 36-1-2-13); or

39 (C) other entity, or any office thereof, by whatever name
40 designated, exercising in a limited geographical area the
41 executive, administrative, judicial, or legislative power of the
42 state or a delegated local governmental power.

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(3) Any entity or office that is subject to:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcoholic beverage commission, conservation officers of the department of natural resources, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission, including any department, division, or office of the commission.

~~(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.~~

~~(10)~~ (9) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

"Trade secret" has the meaning set forth in IC 24-2-3-2.

"Work product of an attorney" means information compiled by an

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1 attorney in reasonable anticipation of litigation and includes the
2 attorney's:

- 3 (1) notes and statements taken during interviews of prospective
- 4 witnesses; and
- 5 (2) legal research or records, correspondence, reports, or
- 6 memoranda to the extent that each contains the attorney's
- 7 opinions, theories, or conclusions.

8 This definition does not restrict the application of any exception under
9 section 4 of this chapter.

10 SECTION 8. IC 6-1.1-1-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. "Real property"
12 means:

- 13 (1) land located within this state;
- 14 (2) a building or fixture situated on land located within this state;
- 15 (3) an appurtenance to land located within this state; **and**
- 16 (4) an estate in land located within this state, or an estate, right,
- 17 or privilege in mines located on or minerals, including but not
- 18 limited to oil or gas, located in the land, if the estate, right, or
- 19 privilege is distinct from the ownership of the surface of the land.
- 20 **and**
- 21 (5) ~~notwithstanding IC 6-6-6-7, a riverboat licensed under the~~
- 22 ~~provisions of IC 4-33 for which the state board of tax~~
- 23 ~~commissioners shall prescribe standards to be used by township~~
- 24 ~~assessors.~~

25 SECTION 9. IC 6-8.1-1-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. "Listed taxes" or
27 "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through
28 IC 4-31-9-5); ~~the riverboat admissions tax (IC 4-33-12); the riverboat~~
29 ~~wagering tax (IC 4-33-13);~~ the gross income tax (IC 6-2.1); the state
30 gross retail and use taxes (IC 6-2.5); the adjusted gross income tax
31 (IC 6-3); the supplemental net income tax (IC 6-3-8); the county
32 adjusted gross income tax (IC 6-3.5-1.1); the county option income tax
33 (IC 6-3.5-6); the county economic development income tax
34 (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the bank tax
35 (IC 6-5-10); the savings and loan association tax (IC 6-5-11); the
36 production credit association tax (IC 6-5-12); the financial institutions
37 tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit
38 fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel
39 tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal
40 agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5);
41 the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax
42 (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax



(IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various county food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 10. IC 6-9-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) There is created a seven (7) member convention and visitor commission (referred to as the "commission" in this chapter), whose purpose it is to promote the development and growth of the convention and visitor industry in said county.

(b) The county council, by majority vote, shall appoint two (2) members of the commission, at least one (1) of whom must be engaged in the hotel or motel business in the county. The county commissioners, by majority vote, shall appoint two (2) members of the commission, at least one (1) of whom must be engaged in the hotel or motel business in the county. The mayor of a municipality in the county that has the largest population, as determined in the federal decennial census, shall appoint three (3) members of the commission. At least one (1) of the members appointed by the mayor must be engaged in the hotel or motel business in the county. ~~Beginning with the next appointment available to the mayor after a riverboat (as defined in IC 4-33-2-17) initially begins operation from the county, at least one (1) of the members appointed by the mayor must represent the interests of riverboats in the county.~~

(c) All terms of office begin on January 1 and end on December 31. Members of the commission appointed by the county council serve two (2) year terms. Members appointed by the county commissioners serve one (1) year terms. Members appointed by the mayor of the largest municipality in the county serve two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, a qualified person shall be appointed by the original appointing authority to serve for the remainder of the term.

(d) A member of the commission may be removed for cause by his appointing authority.

(e) Members of the commission may not receive a salary. However,



commission members shall receive reimbursement for necessary expenses, but only when such necessary expenses are incurred in the performance of their respective duties.

SECTION 11. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail and dealer partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

- (1) a dining car permit;
 - (2) a boat permit;
 - (3) a drug store permit;
 - (4) a grocery store permit;
 - (5) a hotel permit;
 - (6) an airplane permit;
 - ~~(7) an excursion and adjacent landsite permit;~~
 - ~~(8) (7) a horse track permit;~~
 - ~~(9) (8) a satellite facility permit; or~~
 - ~~(10) (9) a retail permit to an establishment:~~
 - (A) that is sufficiently served by adequate law enforcement at its permit location; and
 - (B) whose annual gross food sales at the permit location:
 - (i) exceed one hundred thousand dollars (\$100,000); or
 - (ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.
- (b) The commission shall not issue a permit listed in subsection (a) to a foreign:
- (1) corporation;
 - (2) limited partnership; or
 - (3) limited liability company;

that is not duly qualified to do business in Indiana.

SECTION 12. IC 7.1-4-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Except as provided in subsection (b), the chairman and the department shall deposit the money collected under sections 1, 2, and 3 of this chapter daily with the treasurer of state, and not later than the fifth day of the following month shall cover them into the general fund of state for general fund purposes.

(b) The chairman and the department shall deposit the money collected under ~~IC 7.1-3-17.5~~, IC 7.1-3-17.7, IC 7.1-3-22-9,



IC 7.1-4-1-6, and IC 7.1-4-1-31.1 daily with the treasurer of state, and not later than the fifth day of the following month shall cover them into the enforcement and administration fund established under IC 7.1-4-10-1.

SECTION 13. IC 8-18-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in subsection (c), all expenses incurred in the maintenance of county highways shall be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state, and from funds derived from the:

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- (3) county adjusted gross income tax; **or**
- (4) county option income tax.
- ~~(5) riverboat admission tax (IC 4-33-12); or~~
- ~~(6) riverboat wagering tax (IC 4-33-13).~~

(b) Except as provided in subsection (c), no ad valorem property tax may be levied by any county for the maintenance of county highways, except in an emergency and by unanimous vote of the county fiscal body.

(c) The county fiscal body may appropriate money from the county general fund to the county highway department to pay for employees' personal services.

SECTION 14. IC 12-13-14-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. (a) Except as provided in this section, the division may distribute cash assistance benefits to a person who is eligible for assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal that is connected to the EBT system.

(b) The division may approve or deny participation in the EBT system by a retailer that is not a food retailer.

(c) The division may not approve participation by a retailer or financial institution in the EBT system for distribution of cash assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal located on the premises of any of the following:

- (1) A horse racing establishment:
 - (A) where the pari-mutuel system of wagering is authorized; and
 - (B) for which a permit is required under IC 4-31-5.
- (2) A satellite facility:
 - (A) where wagering on horse racing is conducted; and



- 1 (B) for which a license is required under IC 4-31-5.5.
- 2 (3) An allowable event required to be licensed by the department
- 3 of state revenue under IC 4-32-7 or IC 4-32-9.
- 4 (4) ~~A riverboat or other facility required to be licensed by the~~
- 5 ~~Indiana gaming commission under IC 4-33.~~
- 6 ~~(5)~~ A store or other establishment:
- 7 (A) where the primary business is the sale of firearms (as
- 8 defined in IC 35-47-1-5); and
- 9 (B) that sells handguns for which a license to sell handguns is
- 10 required under IC 35-47-2.
- 11 ~~(6)~~ (5) A store or other establishment where the primary business
- 12 is the sale of alcoholic beverages for which a permit is required
- 13 under IC 7.1-3.
- 14 (d) An establishment described in subsection (c)(1) through ~~(c)(6)~~
- 15 ~~(c)(5)~~ shall post a sign next to each automated teller machine or point
- 16 of sale terminal located in the establishment informing a potential user
- 17 that the automated teller machine or point of sale terminal may not be
- 18 used to receive cash assistance benefits under the Title IV-A assistance
- 19 program.
- 20 (e) An:
- 21 (1) establishment that does not post the sign required under
- 22 subsection (d); or
- 23 (2) individual who attempts to use an automated teller machine or
- 24 point of sale terminal to access cash assistance benefits under the
- 25 Title IV-A assistance program in violation of subsection (d);
- 26 commits a Class C misdemeanor.
- 27 (f) The division shall adopt rules under IC 4-22-2 to carry out this
- 28 section.
- 29 SECTION 15. IC 12-17-2-34 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 34. (a) When the Title
- 31 IV-D agency finds that an obligor is delinquent and can demonstrate
- 32 that all previous enforcement actions have been unsuccessful, the Title
- 33 IV-D agency shall send, to a verified address, a notice to the obligor
- 34 that includes the following:
- 35 (1) Specifies that the obligor is delinquent.
- 36 (2) Describes the amount of child support that the obligor is in
- 37 arrears.
- 38 (3) States that unless the obligor:
- 39 (A) pays the obligor's child support arrearage in full;
- 40 (B) requests the activation of an income withholding order
- 41 under IC 31-16-15-2 and establishes a payment plan with the
- 42 Title IV-D agency to pay the arrearage; or

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(C) requests a hearing under section 35 of this chapter; within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.

(C) Request a hearing under section 35 of this chapter.

(5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the professional standards board as established by IC 20-1-1.4 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;

~~(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;~~

~~(F)~~ (E) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.5 or IC 27-10-3; or

~~(G)~~ (F) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses).

(ii) IC 14-22-14 (Lake Michigan commercial fishing license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).



(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full;

(B) establish a payment plan with the Title IV-D agency to pay the arrearage; and

(C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

(1) full name;

(2) date of birth;

(3) verified address; and

(4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed

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to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under ~~IC 31-2-10-7~~ **IC 31-16-15-2**; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the professional standards board if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 ~~or IC 4-33~~ has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, ~~or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33~~, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11. ~~or IC 4-33-8.5-3.~~

(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.5 or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or



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(3) request a hearing under section 35 of this chapter;
the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.5-22 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter;
the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 16. IC 12-17-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 36. (a) As used in this section, "board" has the meaning set forth in IC 25-1-1.2-2.

(b) If an obligor holds a license issued by a board and requests a hearing under section 35 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the board that issued the obligor's license:

(1) stating that the obligor is delinquent; and

(2) requiring the board to comply with the actions required under IC 25-1-1.2-8(b).

(c) If an obligor holds a license issued under IC 4-31-6 ~~or IC 4-33~~ and requests a hearing under section 35 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the:

(1) Indiana horse racing commission ~~if the obligor holds a license issued under IC 4-31-6; or~~

(2) ~~Indiana gaming commission; if the obligor holds a license issued under IC 4-33;~~

stating that the obligor is delinquent and requiring the commission to comply with the actions required under IC 4-31-6-11. ~~or IC 4-33-8.5-3.~~

(d) If an obligor holds a license issued under IC 27-1-15.5 or IC 27-10-3 and requests a hearing under section 35 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D

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agency shall issue an order to the commissioner of the department of insurance:

- (1) stating that the obligor is delinquent; and
- (2) requiring the commissioner to comply with the actions required under IC 27-1-15.5-22 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 35 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

- (1) stating that the obligor is delinquent; and
- (2) requiring the director to suspend or revoke a license issued by the department as provided in this section.

SECTION 17. IC 12-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The addiction services fund is established for the deposit of excise taxes on alcoholic beverages as described in IC 7.1-4-11. ~~and taxes on riverboat admissions under IC 4-33-12-6.~~

SECTION 18. IC 12-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The general assembly shall appropriate money from the addiction services fund solely for the purpose of funding programs:

- (1) that provide prevention services and intervention and treatment services for individuals who are psychologically or physiologically dependent upon alcohol or other drugs; and
- (2) for the prevention and treatment of gambling problems.

Programs funded by the addiction services fund must include the creation and maintenance of a toll free telephone line ~~under IC 4-33-12-6-(f)(3)~~ to provide the public with information about programs that provide help with gambling, alcohol, and drug addiction problems.

SECTION 19. IC 12-23-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund. ~~The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat admissions tax under IC 4-33-12-6 to the prevention and treatment of compulsive gambling.~~

SECTION 20. IC 31-14-12-6 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. If a court finds that a person who holds a license issued under IC 4-31-6 ~~or IC 4-33~~ is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to

(1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6 ~~or~~

(2) ~~the Indiana gaming commission if the person holds a license issued under IC 4-33;~~

requiring that the person's license be suspended until further order of the court.

SECTION 21. IC 31-16-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. If a court finds that a person who holds a license issued under IC 4-31-6 ~~or IC 4-33~~ is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to

(1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6 ~~or~~

(2) ~~the Indiana gaming commission if the person holds a license issued under IC 4-33;~~

requiring that the person's license be suspended until further order of the court.

SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 4-33; IC 6-2.1-3-35; IC 6-3.1-17; IC 7.1-3-17.5; IC 35-45-5-10; IC 36-1-8-9.

SECTION 23. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "commission" means the Indiana gaming commission established under IC 4-33-3 (repealed by this act).

(b) Notwithstanding the repeal of IC 4-33 by this act, the commission shall remain in existence until the earlier of:

(1) January 1, 2003; or

(2) the date when, in the opinion of the director of the commission, the commission's business and affairs have concluded.

(c) The commission may only carry on business that is appropriate to concluding the commission's business and affairs, including the following:

(1) Preserving, protecting, and collecting the commission's assets and minimizing the commission's liabilities.

(2) Discharging or making provision for discharging the commission's liabilities and obligations.

(3) Repaying with interest to the general fund the two million dollars (\$2,000,000) appropriated to the commission under



P.L.277-1993(ss), SECTION 135.

(4) Transferring personal property of the commission to the Indiana department of administration.

(5) Transferring, after discharging the commission's liabilities and obligations, the commission's money to the general fund.

(6) Doing every other act necessary to wind up and liquidate the commission's business and affairs.

(d) Dissolution of the commission does not:

(1) transfer title of commission property;

(2) subject the commission's members to standards of conduct different from those prescribed in IC 4-33 (repealed by this act); or

(3) change:

(A) quorum or voting requirements for the commission's members; or

(B) provisions for selection, resignation, or removal of the commission's members.

(e) The repeal of a statute by this act does not affect:

(1) the operation of the statute or any action taken under the statute before its repeal;

(2) any ratification, right, remedy, privilege obligation, or liability acquired, accrued, or incurred under the statute before the statute's repeal;

(3) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before the statute's repeal; or

(4) any proceeding under the statute before the statute's repeal that may be completed, with the exception of granting licenses under IC 4-33, in accordance with the statute as if the statute had not been repealed.

(f) A bond recorded in the secretary of state's office under IC 4-33-3-12 (repealed by this act) must be released on the request of a commission member on the earlier of:

(1) January 1, 2003; or

(2) the date when the commission's business and affairs have concluded.

(g) This SECTION expires January 2, 2003.

SECTION 24. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding the repeal of IC 6-3.1-17 by this act, a credit under IC 6-3.1-17 may be allowed for a taxpayer that meets the requirements of IC 6-3.1-17 for taxable years that begin before January 1, 2003.

(b) This SECTION expires January 2, 2005.

